

***SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION***

Synergy Business Park, Kingtree Building  
110 Centerview Drive, Kingtree Building, Room 108  
Columbia, South Carolina 29210

Minutes

Wednesday, August 9<sup>th</sup>, 2017

10:00 a.m.

Timothy W. Roberts, Board Chair, announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingtree Building.

**Welcome and Call to Order:**

Timothy W. Roberts, Board Chair, called the regular meeting of the South Carolina Builders Residential Builders Commission to order at 10:00 a.m. Other Board members present for the meeting included Al Bailey, Christy Rhyne, Bryan Dowd, Monte Lemmon and Hal Dillard.

**Approval of Agenda:**

*Wednesday, August 9<sup>th</sup>, 2017*

**MOTION:**

Ms. Rhyne made a motion to approve the August 9, 2017, agenda. Mr. Lemmon seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Wednesday, July 12<sup>th</sup>, 2017*

**MOTION:**

Mr. Bailey made a motion to approve the July 12, 2017, minutes.  
Mr. Dowd seconded the motion, which carried unanimously.

**Excused Member(s):**

No members absent

**Chairman's Remarks:**

*Timothy W. Roberts*

Mr. Roberts, Chairman reminded everyone that this meeting is being recorded and asked that everyone please speak clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board.

**Disclosure Statement Waiver Request:**

*John Archibald Johnson*

The Commission held a hearing regarding Mr. John Archibald Johnson's request for a waiver of the disclosure statement under the owner/builder exemption. Mr. Johnson appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Dillard made a motion to approve the request for waiver of the disclosure statement. Ms. Rhyne seconded the motion, which carried unanimously.

**Application Reviews:**

*Ryan Schalaudek*

Mr. Ryan Schalaudek did not appear before the Commission

**MOTION:**

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No motions were made.

*Sebastian Fuller*

Mr. Sebastian Fuller did not appear before the Commission

**MOTION:**

No motions were made.

*Tommy Rabon*

The Commission held an application review regarding Tommy Rabon. Mr. Rabon appeared before the Commission, and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Rabon's request for the Specialty Registration with the condition that he resolve the outstanding judgment, by payment plan or otherwise before the 2019 renewal. Mr. Dillard seconded the motion, which carried unanimously.

*Charles Guenther*

The Commission held an application review regarding Charles Guenther. Mr. Guenther appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to allow Mr. Guenther to sit for the exam. Mr. Dowd seconded the motion, which carried unanimously.

*James Alexander Smith*

The Commission held an application review regarding James Alexander Smith. Mr. Smith appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Dillard made a motion to approve Mr. Smith for his specialty registration. Mr. Dowd seconded the motion, which carried unanimously.

Lance Burt

Mr. Lance Burt did not appear before the Commission

**MOTION:**

No motions were made.

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*Greg Keisler*

The Commission held an application review regarding Greg Keisler. Mr. Keisler appeared before the Commission and waived his right to counsel.

**MOTION:**

Ms. Rhyne made a motion to continue Mr. Keisler's license with the condition that he reappear in 12 months to update the Commission with the status of his judgments.

**MOTION:**

Mr. Bailey made a motion to enter into executive session to get legal advice regarding Mr. Keisler's application. Ms. Rhyne seconded the motion, which carried unanimously.

**MOTION:**

Ms. Rhyne made a motion to exit executive session after receiving legal advice. Mr. Dillard seconded the motion, which carried unanimously.

Ms. Rhyne and Mr. Bailey withdrew their original motion.

**MOTION:**

Ms. Rhyne made a motion to approve Mr. Keisler's Residential Builders License with the condition that he be required to resolve one of the three judgments within six months of the date of the final order and provide updates of the other two judgments every six months. If all three judgments are not resolved within one year of the date of the final order, Mr. Keisler would be required to reappear before the full Commission. Mr. Lemmon seconded the motion, which carried unanimously.

**Hearing Officer Recommendation – Final Order Hearings:**

*Benjamin Gecy (Case No.: 2015-159)*

Mr. Gecy was present at the hearing and requested that the hearing be continued to give him time to seek legal counsel.

**MOTION:**

Mr. Lemmon made a motion to grant Mr. Gecy a continuance until the October 11, 2017, Commission Meeting. Mr. Bailey seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

**Memorandum of Agreement:**

*David J. Wiggins Case# 2015-631 and 2015-634*

Mr. Wiggins appeared before the Commission and waived his right to counsel. Mr. Kyle Tennis, Esq. represented the State. Mr. Wiggins answered questions from the Commission. Mr. Tennis requested that the Commission accept the Memorandum of Agreement (MOA).

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**MOTION:**

Mr. Bailey made a motion to accept the MOA and assess a fine of five hundred dollars for each of the six statutory violations for a total of three thousand dollars, to be paid within 60 days of the date of the final order. Ms. Rhyne seconded the motion, which carried unanimously.

*Steven Alexander Case# 2016-135*

Mr. Steven Alexander appeared before the Commission and waived his right to counsel. Mr. Daniel Gourley, Esq. represented the State. Mr. Alexander answered questions from the Commission. Mr. Gourley requested that the Commission accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Bailey made a motion to dismiss the charges against Mr. Alexander. Mr. Dowd seconded the motion, which carried unanimously.

\* Mr. Al Bailey recused himself from the hearing regarding Mr. Dan Shumaker.

*Dan Shumaker Case # 2012-465 and 2014-93*

Mr. Shumaker appeared before the Commission and was represented by Mr. Trippett Boineau Esq. Ms. Megan Flannery, Esq. represented the State. Mr. Shumaker answered questions from the Commission. Ms. Flannery requested that the Commission accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Lemmon made a motion to dismiss the charges against Mr. Shumaker. Mr. Dowd seconded the motion, which carried unanimously.

\*Mr. Al Bailey rejoined the meeting.

*Daniel Litchfield Case# 2016-75; 2016-308; 2016-467 & 2017-146*

Mr. Litchfield appeared before the Commission and waived his right to counsel. Mr. Daniel Gourley, Esq. represented the State. Mr. Litchfield answered questions from the Commission. Mr. Gourley requested that the Commission accept the Memorandum of Agreement (MOA).

**MOTION:**

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Mr. Dowd made a motion to accept the MOA, and assess a fine of Three Thousand Dollars for the seven statutory violations, to be paid within 60 days of the dated of the final order. Mr. Dillard seconded the motion, which did not carry unanimously. Mr. Lemmon opposed.

**Regulation Review:**

The Commission reviewed its regulations per the Executive order of Governor McMaster. The Commission did not recommend new regulations or the withdrawal or repeal of any existing regulations. The Commission proposed to amend SC Reg 106-1 to clarify gas piping and the installation of solar panels and SC Reg 106-2 to clarify its conflict with a statute in the Practice Act.

**Recoupment of investigation and prosecution costs pursuant to S.C. Code Ann. §40-59-170**

The Commission discussed recoupment of investigation and prosecution costs back to the respondent. The Commission tabled the discussion until a later date.

**Administrator's Remarks for Information:**

No remarks made

**Office of Investigations and Enforcement (OIE Report)**

*Todd Bond*

**OIE Status Report** – Mr. Bond reported 545 cases were received with 235 active investigations, with 517 cases closed as for August 9, 2017.

**Recommendation of Investigation Review Committee (IRC)**

*IRC Recommendations:*

**MOTION:**

Mr. Bailey made a motion to approve the recommendations of the Investigative Review Committee. Mr. Lemmon seconded the motion, which carried unanimously.

*Resolution Guidelines:*

**MOTION:**

Mr. Dillard made a motion to approve the Resolution Guidelines. Mr. Lemmon seconded the motion, which carried unanimously.

**Old Business:**

None

**Public Comments:**

None

**Date of Next Meeting- Wednesday, September 13, 2017**

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10:00 a.m.

The next meeting of the SC Residential Builders Commission will be held Wednesday September 13<sup>th</sup>, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingtree Building, Room 105, in Columbia, SC

**Adjournment:**

Mr. Dowd made a motion to adjourn the meeting. Mr. Lemmon seconded the motion, which carried unanimously.

The August 09, 2017, meeting of the South Carolina Builders Commission was adjourned at 2:31 pm